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ONE HUNDRED FOURTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
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July 13, 2015

Mr. Todd W. Daloz
Assistant Attorney General
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609

Dear Mr. Daloz:

Thank you for appearing before the Subcommittee on Health on June 18, 2015, to testify at the hearing entitled "A National Framework for the Review and Labeling of Biotechnology in Food."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on July 27, 2015. Your responses should be mailed to Graham Pittman, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, D.C. 20515 and e-mailed in Word format to graham.pittman@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,

Joseph R. Pitts
Chairman
Subcommittee on Health

cc: The Honorable Gene Green, Ranking Member, Subcommittee on Health

Attachment

Attachment — Additional Questions for the Record

The Honorable Representative Burgess

As you may know, the USDA's National Organic Program (NOP) regulates the production and labeling of organic foods. Organic certification is required if a product is to be labeled as an organic product under the USDA. To comply with the NOP, a company must adhere to the NOP requirements, which in the case of an agricultural product derived from animals prohibits the use of GMO feed, the use of growth of hormones, and the use of antibiotics. According to the draft bill language before you, the type of feed used in creating a covered agricultural product derived from animals is not specifically defined.

1. Do you agree that there should be one definition for "non-GMO" under federal law because otherwise consumers will be deceived as to what "non-GMO" on a label actually means?

A company that has already met the definition of organic has met the federal definition of non-GMO and therefore should automatically be eligible for a new, non-GMO certification should a new non-GMO labeling program be created.

2. It would be inherently unfair for a company to have to go through the non-GMO certification process twice. Don't you agree?

3. You discuss in your testimony that this coordinated campaign of labeling advocates is part of a strategy to end the use of biotechnology in food and agricultural production. How so?

4. If they were successful in these efforts, how would that impact our ability to provide affordable and nutritious food to American families?

5. Would it not raise food costs for working people in our country?

6. Have there been any medically documented cases of people getting sick from eating a food derived from genetically engineered crops?

The Honorable Representative Griffith

Mr. Daloz, industry is concerned about potential for private actions against manufacturers. Under your law, I believe the law is maybe unclear on that point.

1. Does Vermont's law block private rights of action against manufacturers and suppliers?

And if the answer is no:

2. What do you intend to do to limit liability when a product is put on a shelf in Vermont, despite the fact that the manufacturer did not intend for it to end up there?

The Honorable Representative Cardenas

I understand that there is already an independent private sector certification body for foods produced without genetic engineering.

1. What impact would this new legislative language have on existing private label non-GMO claims?

2. Since the cost of certifying non-GMO products is currently not being borne on the tax payer, how much would it cost to create the new USDA certification standard for GE and non-GMO foods?

A number of major food brands produce organic lines in addition to their conventional brands. The U.S. also exports a large amount of Identity Preserved non-GMO grain to export markets in Europe and Asia.

3. So to what extent is there already segregation in the supply chain and would that be close to sufficient if GE foods were required to be labeled at a federal level? Are there enough farmers and farm workers to produce a sufficient amount of non-GMO or organic food?

The Honorable Representative Welch

1. In response to Representative Pompeo's question regarding the effect H.R. 1599 would have on voluntary state GE labeling efforts, you suggested the bill would prohibit state labeling of GE ingredients, such as the labeling regimen currently being implemented in Vermont. Could you please further explain your rationale? Given your position in the Vermont Attorney General's office, what impact do you believe this legislation would have on Vermont's GE labeling efforts?

2. The FDA has stated that there is consensus on the safety of GE foods for human consumption. When asked about the FDA's position during the hearing, you seemed to agree with the FDA statement. However, it remains unclear if you were acknowledging the fact that FDA has indeed made that statement, or if you were supporting the validity of its underling position, namely that GE foods are indeed safe to consume. Please elaborate on your position – do you agree GE foods are safe for human consumption?